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Attorneys for Plaintiff
E.B., a minor, by and through
his Guardian ad Litem, Judith Ann Birba

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E.B., a minor by and through his Guardian ad
Litem, Judith Ann Birba,

Plaintiff,

vs.

CITY OF BRENTWOOD POLICE OFFICER
TAYLOR JOHNSON, CITY OF
BRENTWOOD, et al.,

Defendants.

Case No.

**PETITION AND [PROPOSED] ORDER
FOR APPOINTMENT OF GUARDIAN
AD LITEM**

Petitioner E.B., in support of the petition for appointment of Guardian ad Litem, states
as follows:

1. E.B. is a minor of the age of 16 years.
2. E.B. has causes of action against the above-named defendants that will be brought in this Court for Federal Civil Rights violations under Title 42 United States Code section 1983. This Court will have jurisdiction over petitioner's claims under Title 28 United States Code sections 1331 and 1343.
3. Petitioner's court appointed legal guardian is Judith Ann Birba, as evidenced by the Order Appointing Guardian of Minor dated February 4, 2004, attached hereto as Exhibit "A".

1 4. Judith Ann Birba is a competent and responsible person, and fully competent to
2 act as petitioner's guardian ad litem, and has no interest adverse to the interests of the
3 petitioner.

4 5. Judith Ann Birba, whose legal name was Judith Ann Williams when appointed
5 guardian of E.B. on February 4, 2004, is willing to act as guardian ad litem for petitioner, as
6 appears by her declaration attached hereto as Exhibit "B".

7 WHEREFORE, petitioner moves the court for an order appointing Judith Birba as
8 guardian ad litem of petitioner for the purpose of bringing action against the above-named
9 defendants for the above-described causes of action.

10 Respectfully submitted,

11
12 DATED: December 11, 2019

CASPER, MEADOWS, SCHWARTZ & COOK

13 By: /s/ Adam M. Carlson

14 Adam M. Carlson

15 Attorney for Plaintiff

16
17 **ORDER**

18 The petition for an order appointing JUDITH ANN BIRBA as guardian ad litem is
19 GRANTED.

20 IT IS SO ORDERED.

21
22
23 DATED: _____

UNITED STATES DISTRICT JUDGE

EXHIBIT "A"

GC-240

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address)		TELEPHONE AND FAX NOS	FOR COURT USE ONLY
IN PRO-PER JUDITH ANN & DONALD LEE WILLIAMS		Denise L. Pecos Probate Law AND DIVORCE COORDINATOR 1015 P STREET MARTINEZ, CA 94553 (925) 233-5460	FILED FEB -6 P 1:25 KIRK
ANTIOCH, CA 94509			
ATTORNEY FOR (Name): IN PRO-PER			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA			
STREET ADDRESS: 751 PINE STREET			
MAILING ADDRESS: P.O. BOX 911			
CITY AND ZIP CODE: MARTINEZ, CA 94553			
BRANCH NAME:			
GUARDIANSHIP OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name):		BY:	
E.B.		MINOR	
ORDER APPOINTING GUARDIAN OF <input checked="" type="checkbox"/> MINOR <input type="checkbox"/> MINORS		CASE NUMBER:	
		P04-00029	
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.			

1. The petition for appointment of guardian came on for hearing as follows (check boxes c, d, and e to indicate personal presence):

- a. Judge (name): *Terence M. Murphy*
- b. Hearing date: 2/4/04 Time: 9:00 AM ☒ Dept: 61 ☐ Room:
- c. ☒ Petitioner (name): JUDITH ANN & DONALD LEE WILLIAMS
- d. ☐ Attorney for Petitioner (name): IN PRO-PER
- e. ☐ Attorney for minor (name, address, and telephone):

THE COURT FINDS

2. a. ☒ All notices required by law have been given.
- b. ☒ Notice of hearing to the following persons ☐ has been ☐ should be dispensed with (names):
3. ☒ Appointment of a guardian of the ☒ person ☐ estate of the minor is necessary and convenient.
4. ☐ Granting the guardian powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and is in the best interest of the guardianship estate.
5. ☐ Attorney (name): has been appointed by the court as legal counsel to represent the minor in these proceedings. The cost for representation is: \$
6. ☒ The appointed court investigator, probation officer, or domestic relations investigator is (name, title, address, and telephone):
- Probate Investigations
50 Douglas Dr
Martinez, CA 94553*

THE COURT ORDERS

7. a. (Name): JUDITH ANN & DONALD LEE WILLIAMS
(Address):

ANTIOCH, CA 94509

(Telephone):

are
is appointed guardian of the PERSON of (name): E.B.

and Letters shall issue upon qualification.

Do NOT use this form for a temporary guardianship.

(Continued on reverse)

Form Approved by the
Judicial Council of California
GC-240 (Rev. January 1, 1998)
Mandatory Use [1/1/2000]

ORDER APPOINTING GUARDIAN OF MINOR

Legal
Solutions
& Plus

Probate Code, §§ 1514,
2310

GUARDIANSHIP OF (Name): E.B.	CASE NUMBER: P04-00028
	MINOR

7. b. (Name):
(Address): (Telephone):

is appointed guardian of the ESTATE of (name): **E.B.**
and Letters shall issue upon qualification.

8. ☐ Notice of hearing to the persons named in item 2b is dispensed with.

9. a. ☒ Bond is not required.
b. ☐ Bond is fixed at \$ to be furnished by an authorized surety company or as otherwise provided by law.
c. ☐ Deposits of: \$ are ordered to be placed in a blocked account at (specify institution and location):

and receipts shall be filed. No withdrawals shall be made without a court order. ☐ Additional orders in Attachment 9c.
d. ☒ The guardian is not authorized to take possession of money or any other property without a specific court order.

10. ☐ For legal services rendered on behalf of the minor, ☐ parents of the minor ☐ minor's estate shall pay to the sum of: \$
☐ forthwith ☐ as follows (specify terms, including any combination of payors):

11. ☐ The guardian of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in Attachment 11 ☐ subject to the conditions provided.
12. ☐ Orders are granted relating to the powers and duties of the guardian of the person under Probate Code sections 2351-2358 as specified in Attachment 12.
13. ☐ Orders are granted relating to the conditions imposed under Probate Code section 2402 upon the guardian of the estate as specified in Attachment 13.
14. ☐ Other orders as specified in Attachment 14 are granted.
15. ☐ The probate referee appointed is (name and address):

16. Number of boxes checked in items 8-15: 2

17. Number of pages attached: 3

Date: FEB - 4 2004

R. M. Munn
JUDGE OF THE SUPERIOR COURT

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

EXHIBIT “B”

DECLARATION OF JUDITH ANN BIRBA

I, JUDITH ANN BIRBA, declare as follows:

1. I am over the age of eighteen. I file this declaration in support of Plaintiff E.B.'s petition to have me appointed as Guardian ad Litem.
2. The matters herein are true of my own knowledge, or where indicated, I am informed and believe they are true. If called upon as a witness, I could and would testify to these facts.
3. I am the court appointed Guardian over E.B., who is a minor of the age of 16 years.
4. No previous petition for appointment of a Guardian ad Litem has been filed in this matter.
5. At the time I was appointed guardian of E.B. my legal name was Judith Ann Williams.
6. My legal name as of today's date is Judith Ann Birba.
7. I have no interests adverse to the interests of E.B. in this matter and am fully competent, responsible and qualified to understand and protect the rights of E.B.
8. I am willing to act and consent to acting as Guardian ad Litem for E.B. for purposes of this litigation.

I declare under penalty of perjury under the laws of the United States and California that the foregoing is true and correct. Executed this 28th day of October, 2019.


JUDITH ANN BIRBA